

### **REMARKS/ARGUMENTS**

Applicant would like to thank the Examiner for the careful consideration given the present application and for granting an applicant initiated telephonic interview.

The telephonic interview took place on August 8, 2007. The participants were Examiners Warren K. Fenwick and Patrick Assouad, and applicant's attorney, Brad Spencer. Claims 1 and 3 were discussed, along with the cited Nakamura and Harazono references. Applicant's attorney argued that the cited references fail to teach all of the claimed limitations. Specifically, applicant's attorney argued that the cited references do not teach a pixel size and, therefore, cannot teach a filler having a diameter that is smaller than or equal to a pixel size. Examiner Assouad asserted that the Nakamura reference teaches a filler particle size of 20  $\mu\text{m}$  and that a pixel size of 20  $\mu\text{m}$  was common knowledge. Applicant's attorney informed the Examiner that any reliance on common knowledge in rejecting claims 1 or 3 would constitute a new grounds of rejection that is not in the outstanding action, and that a subsequent Office action containing such a rejection should be non-final.

Claims 1-5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Harazono in view of Nakamura. Claim 1 recites, "a fixing member fixing said optical filter by means of adhesion using a filler-containing adhesive; wherein a diameter of said filler is smaller than or equal to a pixel size of said semiconductor imaging device." The Examiner cites Nakamura's teaching of a "second adhesive" 75 having a filler particle size of 20-40 microns (i.e., 20-40  $\mu\text{m}$ ), for teaching the claimed filler-containing adhesive. Nakamura does not teach or suggest that the filler particles are smaller than or equal to a pixel size. Nakamura does not even discuss pixel size, nor does Harazono. There is absolutely no suggestion in the cited combination of

references that filler particles of 20-40  $\mu\text{m}$  would be smaller than a pixel. The references do not mention pixel size, nor do they discuss any relationship between filler particle size and pixel size. Because the cited combination of references fails to teach or suggest all of the claimed elements, claim 1 is allowable over Harazono in view of Nakamura. The arguments provided above with respect to claim 1 are also applicable to claim 3. Therefore claim 3 is also allowable over Harazono in view of Nakamura. Claim 2 depends from claim 1, and claims 4 and 5 depend from claims 1 or 3. Therefore, claims 2, 4 and 5 are also allowable over the cited combination of references.

Further, regarding claim 1, Harazono teaches that an optical filter 103 is fitted to a printed circuit board 101, but does not describe how the optical filter 103 is so fitted. Nakamura teaches that a second semiconductor chip 73 adheres to a first semiconductor chip 72 via a filler-containing adhesive. However, the combination of Harazono and Nakamura do not disclose fixing *an optical filter* by means of adhesion using a filler-containing adhesive.

New claims 6-14 have been added. Claim 6 depends from claims 1 or 3. Claims 7 and 11 recite the step of "selecting a filler-containing adhesive based on a diameter of the filler being smaller than or equal to the pixel size," which is not taught or suggested by the prior art of record. Claims 8-10 depend from claim 7 and claims 12-14 depend from claim 11.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Appln. No. 10/538,559  
Amendment dated September 10, 2007  
Reply to Office Action dated June 21, 2007

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. OHNO-37624.

Respectfully submitted,  
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